

## **REMARKS**

Claims 1, 9, 15, 16, 17, 26, 30, 36 and 39 have been amended. Claims 1-2,4-10, 12-31, 33-37 and 39 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 103(a) Rejection:**

The Office Action rejected claims 1, 2, 5, 7-10, 13, 26, 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Walker, et al (U.S. Publication 2006/0218098) (hereinafter “Walker”) in view of Pitroda (U.S. Publication 2005/0247777) and further in view of Tognazzini (U.S. Patent 5,739,512), claims 6 as being unpatentable over Walker in view of Pitroda and in view of Tognazzini, and further in view of Palomo, et al. (U.S. Publication 2003/0120527) (hereinafter “Palomo”), claim 14 as being unpatentable over Walker in view of Pitroda and Tognazzini, and further in view of Okano, et al. (U.S. Patent 5,739,512) (hereinafter “Okano”), claims 17-23 and 25 as being unpatentable over Flitcroft, et al. (U.S. Patent 7,136,835) (hereinafter “Flitcroft”) in view of Carlisle, et al. (U.S. Patent 5,649,118) (hereinafter “Carlisle”) and further in view of Tognazzini, claim 24 as being unpatentable over Flitcroft in view of Carlisle and Tognazzini, and further in view of Bahar (U.S. Publication 2005/0001027), claims 15, 36, 37 and 39 as being unpatentable over Flitcroft in view of Pitroda and further in view of Tognazzini, claim 16 as being unpatentable over Flitcroft in view of Pitroda. Applicant traverses these rejections for at least the following reasons.

### **Claim 1**

In regard to claim 1, the cited art fails to teach or suggest an apparatus operable to

- i) digitally sign the transaction record with a digital signature, the digitally signed transaction record including the bill details and the particular identifier, wherein the digitally signed transaction record does not include information that identifies said customer to the terminal, and
- ii) transmit the digitally signed transaction record to the

terminal through the communications facility without providing information that identifies said customer to the terminal. The Office Action of March 2, 2010 relies on the teaching of Walker in view of Pitroda in further view of Tognazzini to teach these aspects of Applicant's claim. Office Action at page 2. However, as described in more detail below, these references, whether considered singly or in combination, fail to teach or suggest the specific aspects of Applicants claim.

Walker teaches a device for generating a single use financial account number. In Walker such numbers are either generated on the device (*see e.g.*, item 360 of Figure 3B of Walker) or selected from a pre-existing set of numbers on the device (*see e.g.*, items 1003-1005 of Figure 10 of Walker). However, Walker's device does not generate or digitally sign a transaction record that "does not include information that identifies said customer to the terminal," much less "transmit the digitally signed transaction record to the terminal through the communications facility without providing information that identifies said customer to the terminal" as recited in claim 1 as amended.

The Examiner relies on the teachings of Pitroda with respect to the aspect of generating a transaction record and the teachings of Tognazzini with respect to the aspect of digitally signing such a transaction record. However, even were one to somehow combine the teachings of these references with the teachings of Walker, the resultant combination would not teach or suggest the specific aspects of Applicant's claim. More specifically, combining the teachings of Pitroda and Tognazzini with the teachings of Walker would not result in a digitally signed transaction record that "does not include information that identifies said customer to the terminal" much less transmitting such a transaction record "without providing information that identifies said customer to the terminal." In Pitroda's system, the "details of the sales transaction" (on which it appears the Office is relying to teach the claimed "transaction record") are explicitly described as including information that identifies the customer. For instance, in Petroda's system, "those details include the date of the transaction, the amount, the name of the retail store or service (for the UET card and the American Express service records), *the name of the customer* (for the American Express and point of sales computers), etc." (paragraph 100

of Pitroda, emphasis added). Accordingly, Pitroda explicitly includes information that identifies the customer within the element that the Office is relying on to teach the claimed transaction record. Likewise, Tognazzini teaches a system where customer's are identified by email address and electronic receipts are sent to a customer's email address (see e.g., Tognazzini, column 2, lines 40-55). Accordingly, neither of Pitroda nor Tognazzini (even when considered in combination with each other and Walker) teach or suggest an apparatus operable to i) digitally sign the transaction record with a digital signature, the digitally signed transaction record including the bill details and the particular identifier, wherein the digitally signed transaction record does not include information that identifies said customer to the terminal, and ii) transmit the digitally signed transaction record to the terminal through the communications facility without providing information that identifies said customer to the terminal.

Thus, for at least these reasons, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claims 9 and 16.

#### **Claim 17**

In regard to claim 17, the cited art fails to teach or suggest receiving from a terminal, a digitally signed transaction record comprising a digital signature generated on the portable transaction device wherein the digitally signed transaction record comprises bill details provided by the terminal to the portable transaction device prior to the creation of the digital signature, wherein the bill details specify an amount to be paid for a transaction corresponding to the transaction record, wherein the digitally signed transaction record further comprises a particular identifier selected by the portable transaction prior to the creation of the digital signature, wherein the digitally signed transaction record does not include information that identifies said customer to the terminal. The Examiner cites the teachings of Flitcroft, Carlisle and Tognazzini, none of which teach or suggest the specific aspects of Applicant's claim.

Flitcroft teaches “a credit card system is provided which has the added feature of providing additional limited-use credit card numbers and/or cards.” However, Flitcroft (even when combined with Carlisle and Tognazzini) fails to teach or suggest receiving a digitally signed transaction record from terminal “wherein the digitally signed transaction record does not include information that identifies said customer to the terminal.” In fact, the instant Office Action acknowledges that Flitcroft fails to teach related aspects of Applicants claim. Office Action at page 12.

Carlisle and Tognazzini fail to overcome the deficiencies of Flitcroft. Carlisle teaches a smart card that includes account information for multiple accounts (Carlisle, Abstract). However, when interacting with a host computer, the smart card of Carlisle is required to perform user log on process that explicitly identifies a user (e.g., Carlisle, column 10, lines 32-50). Likewise, Tognazzini teaches a system where customer’s are identified by email address and electronic receipts are sent to a customer’s email address (see e.g., Tognazzini, column 2, lines 40-55). Accordingly, neither of Carlisle nor Tognazzini (even when considered in combination with each other and Flitcroft) teach or suggest receiving a digitally signed transaction record from terminal “wherein the digitally signed transaction record does not include information that identifies said customer to the terminal” as recited in Applicant’s claim. This aspect of Applicant’s claim is neither taught by nor suggested by the cited references.

Thus, for at least these reasons, the rejection of claim 17 is unsupported by the cited art and removal there of is respectfully requested.

### **Claim 15**

In regard to claim 15, the cited art fails to teach or suggest i) means for digitally signing the respective transaction record, wherein the digitally signed respective transaction record comprises a digital signature that is generated using a cryptographic key, wherein the digitally signed respective transaction record includes the bill details and the selected identifier, wherein the digitally signed transaction record does not

include information that identifies said customer to the terminal, and ii) means for providing the digitally signed respective transaction record to the terminal without providing information that identifies said customer to the terminal. The Examiner cites the teachings of Flitcroft, Pitroda and Tognazzini, none of which teach or suggest the specific aspects of Applicant's claim.

Flitcroft teaches "a credit card system is provided which has the added feature of providing additional limited-use credit card numbers and/or cards." However, Flitcroft (even when combined with Pitroda and Tognazzini) fails to teach or suggest receiving a digitally signed transaction record from terminal "wherein the digitally signed transaction record does not include information that identifies said customer to the terminal." In fact, the instant Office Action acknowledges that Flitcroft fails to teach related aspects of Applicants claim. Office Action at pages 17-18.

The Examiner relies on the teachings of Pitroda with respect to the aspect of creating a transaction record and the teachings of Tognazzini with respect to the aspect of digitally signing such a transaction record. However, even were one to somehow combine the teachings of these references with the teachings of Flitcroft, the resultant combination would not teach or suggest the specific aspects of Applicant's claim. More specifically, combining the teachings of Pitroda and Tognazzini with the teachings of Flitcroft would not result in a digitally signed transaction record that "does not include information that identifies said customer to the terminal" much less transmitting such a transaction record "without providing information that identifies said customer to the terminal." In Pitroda's system, the "details of the sales transaction" (on which it appears the Office is relying to teach the claimed "transaction record") are explicitly described as including information that identifies the customer. For instance, in Pitroda's system, "those details include the date of the transaction, the amount, the name of the retail store or service (for the UET card and the American Express service records), *the name of the customer* (for the American Express and point of sales computers), etc." (paragraph 100 of Pitroda, emphasis added). Accordingly, Pitroda explicitly includes information that identifies the customer within the element that the Office is relying on to teach the

claimed transaction record. Likewise, Tognazzini teaches a system where customer's are identified by email address and electronic receipts are sent to a customer's email address (see e.g., Tognazzini, column 2, lines 40-55). Accordingly, neither of Pitroda nor Tognazzini (even when considered in combination with each other and Flitcroft) teach or suggest i) means for digitally signing the respective transaction record, wherein the digitally signed respective transaction record comprises a digital signature that is generated using a cryptographic key, wherein the digitally signed respective transaction record includes the bill details and the selected identifier, wherein the digitally signed transaction record does not include information that identifies said customer to the terminal, and ii) means for providing the digitally signed respective transaction record to the terminal without providing information that identifies said customer to the terminal.

Thus, for at least these reasons, the rejection of claim 15 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claims 36 and 39.

#### **Claim 16**

In regard to claim 16, the cited art fails to teach or suggest an apparatus operable to i) digitally sign the transaction record with a digital signature, the digitally signed transaction record including the bill details and the given identifier, wherein the digitally signed transaction record does not include information that identifies said customer to the terminal, and ii) transmit the digitally signed transaction record to the terminal through the communications facility without providing information that identifies said customer to the terminal. The Office Action cites the teachings of Flitcroft and Pitroda, none of which teach or suggest the specific limitations of claim 16.

Flitcroft teaches "a credit card system is provided which has the added feature of providing additional limited-use credit card numbers and/or cards." However, Flitcroft (even when combined with Pitroda) fails to teach or suggest receiving a digitally signed transaction record from terminal "wherein the digitally signed transaction record does not

include information that identifies said customer to the terminal.” In fact, the instant Office Action acknowledges that Flitcroft fails to teach related aspects of Applicants claim. Office Action at page 25.

The Examiner relies on the teachings of Pitroda with respect to the aspect of creating a transaction record and digitally signing such a transaction record. However, even were one to somehow combine the teachings of Pitroda with the teachings of Flitcroft, the resultant combination would not teach or suggest the specific aspects of Applicant’s claim. More specifically, combining the teachings of Pitroda with the teachings of Flitcroft would not result in a digitally signed transaction record that “does not include information that identifies said customer to the terminal” much less transmitting such a transaction record “without providing information that identifies said customer to the terminal.” First, Pitroda mentions nothing at all about digitally signing the “details of the sales transaction” (Pitroda, paragraph 100) on which the Office Action relies on teach the claimed “transaction record.” Furthermore, in Pitroda’s system, the “details of the sales transaction” (on which it appears the Office is relying to teach the claimed “transaction record”) are explicitly described as including information that identifies the customer. For instance, in Petroda’s system, “those details include the date of the transaction, the amount, the name of the retail store or service (for the UET card and the American Express service records), *the name of the customer* (for the American Express and point of sales computers), etc.” (paragraph 100 of Pitroda, emphasis added). Accordingly, Pitroda explicitly includes information that identifies the customer within the element that the Office is relying on to teach the claimed transaction record. Pitroda fails (even when considered in combination with Flitcroft) to teach or suggest i) digitally sign the transaction record with a digital signature, the digitally signed transaction record including the bill details and the given identifier, wherein the digitally signed transaction record does not include information that identifies said customer to the terminal, and ii) transmit the digitally signed transaction record to the terminal through the communications facility without providing information that identifies said customer to the terminal.

Thus, for at least these reasons, the rejection of claim 16 is unsupported by the cited art and removal thereof is respectfully requested.

### **Section 102(e) Rejection:**

The Office Action rejected claims 30, 31 and 33-35 under 35 U.S. § 102(e) as being anticipated by Flitcroft in view of Tognazzini. Applicant traverses the rejection for at least the following reasons.

#### **Claim 30**

As an initial matter, Applicants note that the Office Action relied on the combination of multiple references to show that the cited art allegedly teaches different aspects of Applicant's claim. This rejection is clearly improper because anticipation requires the presence **in a single prior art reference** disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The Office has failed to present a **single** prior art reference that meets this burden. Accordingly, the present rejection of claim 30 is improper and removal thereof is respectfully requested.

Furthermore, the cited art fails to teach or suggest receiving from a terminal, a digitally signed transaction record generated by a particular portable transaction device for a transaction on a given customer account, wherein the digitally signed transaction record comprises a digital signature generated by the particular portable transaction device associated with the customer account, wherein the digitally signed transaction record includes bill details provided by the terminal to the particular portable transaction device, wherein the digitally signed transaction record further includes a particular identifier selected by the particular portable transaction device from the set of identifiers stored within that portable transaction device, **wherein the digitally signed transaction**

record does not include information that identifies a customer associated with one of the plurality of customer accounts to the terminal.

Flitcroft teaches “a credit card system is provided which has the added feature of providing additional limited-use credit card numbers and/or cards.” However, Flitcroft (even when combined with Tognazzini) fails to teach or suggest receiving a digitally signed transaction record from terminal “wherein the digitally signed transaction record does not include information that identifies a customer associated with one of the plurality of customer accounts to the terminal.” In fact, the instant Office Action acknowledges that Flitcroft fails to teach related aspects of Applicants claim. Office Action at page 29.

The Examiner relies on the teachings of Tognazzini with respect to the aspect of digitally signing such a transaction record. However, even were one to somehow combine the teachings of these references with the teachings of Flitcroft, the resultant combination would not teach or suggest the specific aspects of Applicant’s claim. More specifically, combining the teachings of Tognazzini with the teachings of Flitcroft would not result in a digitally signed transaction record that “does not include information that identifies a customer associated with one of the plurality of customer accounts to the terminal.” In Tognazzini’s system, Tognazzini teaches a system where customer’s are identified by email address and electronic receipts are sent to a customer’s email address (see e.g., Tognazzini, column 2, lines 40-55). Accordingly, Tognazzini fails (even when considered in combination with Flitcroft) to teach or suggest receiving from a terminal, a digitally signed transaction record generated by a particular portable transaction device for a transaction on a given customer account, wherein the digitally signed transaction record comprises a digital signature generated by the particular portable transaction device associated with the customer account, wherein the digitally signed transaction record includes bill details provided by the terminal to the particular portable transaction device, wherein the digitally signed transaction record further includes a particular identifier selected by the particular portable transaction device from the set of identifiers stored within that portable transaction device, wherein the digitally signed transaction

record does not include information that identifies a customer associated with one of the plurality of customer accounts to the terminal.

Thus, for at least these reasons, the rejection of claim 30 is unsupported by the cited art and removal there of is respectfully requested.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Applicants reserve the right to present additional arguments.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-20500/RCK.

Respectfully submitted,

/Robert C. Kowert/

Robert C. Kowert, Reg. #39,255  
Attorney for Applicant

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: June 2, 2010